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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE WESTERN DISTRICT OF WASHINGTON**
5 **AT TACOMA**

6 TIMOTHY DUNNE, Individually and for
7 Others Similarly Situated,

8 Plaintiff,

9 v.

10 QUANTUM RESIDENTIAL, INC., a
11 Washington for-profit corporation,

12 Defendant.

Case No. 3:23-cv-05535-DGE

**AMENDED ORDER GRANTING
UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
SETTLEMENT AND CLASS
CERTIFICATION**

Jury Trial Demanded

FLSA Collective Action
Rule 23 Class Action

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14 This matter having come before the Court on Plaintiffs' Unopposed Motion For Preliminary
15 Approval of the Joint Stipulation of Settlement and Motion for Certification of Class, the Court having
16 reviewed and considered the Motion, the supporting Memorandum of Law and the attached exhibits,
17 including the Joint Stipulation of Settlement ("Agreement") and its attachments, and the Court being
18 fully advised in the premises,

19 **IT IS ORDERED AS FOLLOWS:**

- 20 1. Capitalized terms not defined in this Order are defined in the Parties' Agreement.
- 21 2. The Court preliminarily approves the Agreement as fair, reasonable, and adequate. The
- 22 settlement of the Fair Labor Standards Act ("FLSA") collective action is approved as a fair and
- 23 reasonable resolution of a *bona fide* dispute in this contested litigation.
- 24 3. The Agreement is the result of arm's-length negotiations between counsel with the help
- 25 of an experienced mediator.
- 26 4. The Court finds, on a preliminary basis, that Plaintiffs' Counsel has adequately
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- 28

1 represented the proposed class of Rule 23 Class Members, which are defined as follows:

2 All hourly, non-exempt Quantum maintenance workers who worked in Washington at
3 any time between June 14, 2020 and June 14, 2023. (“Washington Class Members”)

4 5. The Court specifically finds, for settlement purposes only, that (i) the class is so
5 numerous that joinder is impracticable; (ii) common questions of fact and law exist; (iii) the Named
6 Plaintiff class representative’s claims are typical of the Class Members’ claims; and (iv) the Named
7 Plaintiff class representative will be able to fairly and adequately protect the interests of the class. In
8 addition, for settlement purposes only, the Court finds that questions of law or fact common to the
9 class predominate over questions affecting individual Class Members and the class action is superior to
10 other available methods of adjudication. Certification of the Rule 23 Class Members for settlement
11 purposes is the best means for protecting the interests of all the Rule 23 Class Members.

12 6. The Court finds that distribution of Notice to the proposed Rule 23 Class Members is
13 justified because Plaintiffs have shown that the Court will likely be able to (i) approve the Settlement
14 under Rule 23(e)(2) and (ii) certify the class of proposed Rule 23 Class Members for purposes of
15 settlement. As a result, the Court approves, as to form and content, the Notices attached as Exhibit A-
16 1 and Exhibit A-3 to the Stipulation of Settlement and finds that distribution of the Notices as set forth
17 in ¶¶ 44-45 of the Stipulation of Settlement: (1) meets the requirements of federal law and due process;
18 (2) is the best notice practicable under the circumstances; and (3) shall constitute due and sufficient
19 notice to all individuals entitled thereto.

20 21 7. The Court appoints Michael Josephson of Josephson Dunlap, LLP, Richard “Rex”
22 Burch of Bruckner Burch PLLC, and Michael C. Subit of Frank Freed Subit & Thomas, LLP as Class
23 Counsel. The Court also approves named Plaintiff Timothy Dunne as class representative.

24 25 8. The Court appoints the class action settlement administration firm ILYM Group, Inc.
26 as the Settlement Administrator.

27 9. The Parties and the Settlement Administrator shall have the following deadlines. The
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1 Parties may, by mutual written agreement, agree upon a reasonable extension of time for the deadlines
2 in this paragraph, without further notice to the Court:

3 a. Within thirty (30) days of the Court entering this Order on the docket, Defendant will
4 provide Class Counsel with a complete listing of all Settlement Class Members (the “Class Data”). The
5 Class Data shall be produced in a usable electronic format and shall include each Settlement Class
6 Member’s name, Employee ID number, last known mailing address, last known telephone number,
7 and dates of employment. The Class Data provided to the Settlement Administrator shall also identify
8 each Settlement Class Member’s social security number.

9 b. Within fifteen (15) days after receiving the Class Data from Class Counsel, the
10 Settlement Administrator will distribute the Notice to Rule 23 Class Members consistent with ¶ 44 of
11 the Stipulation of Settlement.

12 c. Within fifteen (15) days after Defendant provides the Class Data, Class Counsel shall
13 file a motion for attorney fees with this Court and either mail a copy of the attorney fee motion to class
14 member or upload a copy of the fee motion to a website established by the Settlement Administrator.

15 d. Rule 23 Class Members who wish to object to portions of the Agreement pertaining to
16 the claims regarding the Washington Minimum Wage Act (WMWA) claims must mail a written
17 statement to that effect to the Settlement Administrator. Such written statement must be postmarked
18 within forty-five (45) days from the date of the mailing of the Notice.

19 e. Rule 23 Class Members who wish to exclude themselves from the Settlement must
20 submit a signed, written statement requesting exclusion. Such written request for exclusion must be
21 postmarked within forty-five (45) days from the date of the mailing of the Notice.

22 f. No later than fifteen (15) days after the deadline for submitting objections and
23 exclusions, the Settlement Administrator shall furnish to Class Counsel and Defendant’s Counsel a
24 complete list of all Rule 23 Class Members who have timely requested exclusion from the Rule 23 class
25 and a copy of all objections received.

1 10. A Final Approval Hearing, for purposes of determining whether the Settlement should
2 be finally approved, shall be held before this Court on February 28, 2025, at 1:30 p.m., in Courtroom
3 B of the U.S. District Court, Tacoma Courthouse, 1717 Pacific Avenue, Suite 4410, Tacoma, WA 98402
4 (or by telephone or other remote means as the Court may direct).

5 11. Any Settlement Class Member may enter an appearance in the Action, at his or her own
6 expense, individually or through counsel of his or her choice. Any Settlement Class Member who does
7 not enter an appearance or exclude himself or herself from the Settlement will be represented by Class
8 Counsel.

9 12. Any Settlement Class Member may appear at the Final Approval Hearing and show
10 cause, if any, why: (1) the proposed settlement of the Action should or should not be approved as fair,
11 reasonable, and adequate; (2) why a judgment should or should not be entered thereon; (3) why
12 attorneys' fees should or should not be awarded to Class Counsel; and (4) why the Named Plaintiff
13 should not receive extra compensation in the form of a Service Award. The Court will consider and
14 rule upon all timely objections at the Final Approval Hearing.

15 13. At the Final Approval Hearing, the Court shall determine whether the proposed
16 Agreement, and the application for Service Awards and Attorneys' Fees and Litigation Expenses, shall
17 be approved.
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19 14. The Court reserves the right to adjourn the date of the Final Approval Hearing without
20 further notice to the Settlement Class Members and retains jurisdiction to consider all further
21 applications arising out of or connected with the proposed Settlement.
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23 Dated this 20th day of August 2024.

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David G. Estudillo
United States District Judge

Presented By:

/s/ Michael A. Josephson

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** Pro hac vice application forthcoming*

*Attorneys for Plaintiff, Class, and Collective
Members*